

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,	)	
	)	
v.                      Plaintiff,	)	Civil Action No. 06-118 Erie
	)	
PATRICIA THOMPSON, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

\_\_\_\_\_Plaintiff's civil rights complaint was received by the Clerk of Court on May 18, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on May 26, 2006, recommended that the Plaintiff's motion to proceed *in forma pauperis* [Doc. # 1] be denied and the case dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated. No objections were filed. After de novo review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 21<sup>st</sup> Day of June, 2006;

IT IS ORDERED that the Plaintiff's motion to proceed *in forma pauperis* [Doc. # 1] be and hereby is DENIED and the case DISMISSED WITHOUT PREJUDICE.

The report and recommendation of Magistrate Judge Baxter, dated May 26, 2006 [ Doc. # 6], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc:     all parties of record  
         U.S. Magistrate Judge Baxter